

**VIA FACSIMILE & EMAIL**

December 27, 2004

Mr. John Robertus, Executive Officer  
California Regional Water Quality Control Board – San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

**Re: Supplemental Comments of the California Avocado Commission on Draft Basin  
Plan Amendment and Technical Report for Total Nitrogen and Total Phosphorus  
Total Maximum Daily Loads for Rainbow Creek**

Dear Mr. Robertus:

The California Avocado Commission (Commission) appreciates the opportunity to provide additional comments on the San Diego Regional Water Quality Control Board's (Board) Draft Rainbow Creek Nutrient TMDL issued on October 15, 2004. As you know the TMDL is of great interest to the Commission because a significant number of avocado growers are located in the Rainbow Creek watershed. The Commission would like to reaffirm that it understands the Board's role in protecting water quality and the need for certain regulatory requirements to carry out this function. We also understand that there is a great deal of pressure being leveled at the Board by the U.S. Environmental Protection Agency and other groups to adopt a TMDL for Rainbow Creek.

The position taken by the Commission in the comments submitted to the Board on December 1, 2004 has not changed. Nonetheless, it is clear that the Board will eventually move forward with TMDL implementation for Rainbow Creek. In light of that reality, the Commission proposes that the Board allow for direct participation in the implementation process by a team consisting of representatives from the Commission, University of California Cooperative Extension (UCCE), the Mission Resource Conservation District (MRCD), the San Diego County Farm Bureau, the County, and RWQCB Staff. The team could assist the Board to move beyond the immediate task of report generation to cooperatively develop the best possible program, i.e. one focused on an effective, yet reasonable solution.

The Commission is particularly well suited for such a partnership. We have considerable experience with regulatory matters and a long-standing commitment toward environmental stewardship. As a recognized leader and advocate for the local agricultural sector, we have a unique ability to enlist the participation and support of our growers. We also have good working relationships with the aforementioned agencies and other concerned parties, which would enable us to take a prominent role in implementing stewardship measures and identifying solutions that benefit the environment and agriculture producers.

The Commission has done a limited survey of the Rainbow Creek watershed sufficient to understand that certain good faith efforts could be made to address the current situation including:

- Have MRCD audit all the irrigation systems and irrigation practices in the watershed. Remedial measures could be put in place on agricultural lands that are identified as being over-irrigated or with poor system efficiencies. The UCCE and MRCD are well equipped to help correct this.
- Revegetate the stream bank and water features including gullies, storm water paths, and the stream bank sections where algal blooms have occurred. It appears that land owners and State agencies along the stream may have unnecessarily cleared water features so that they look “neat” but achieve the opposite when it comes to creek loading, sedimentation, sun exposure and algal growth. Simply leaving these areas uncleared would likely result in revegetation as evidenced by other parts of the creek. An intensive demonstration and education effort may well achieve this goal.
- Have local workshops on the TMDL, Best Management Practices and irrigation and fertilizer management using UCCE and MRCD resources. Mary Bianchi (UCCE Farm Advisor in San Luis Obispo) has developed most of the necessary education and record keeping materials to help growers implement BMPs.
- Update the California Avocado Commission’s Good Agricultural Practices Manual (Version 1.0) to include a chapter specifically addressing these issues and get this out to all growers with an education/workshop component.
- Work with the RWQCB to apply for 319 or any other grant funding to monitor the creek, identify actual load contributions, manage the TMDL, and provide components of an education program.

We would be extremely pleased if the RWQCB staff would conduct a field tour of the watershed with representatives of affected parties in the watershed so that we can share ideas before we undertake mitigation measures to address any adopted TMDL.

Thank you for the opportunity to provide additional input on this important document.

Sincerely,

Tom Bellamore  
Senior Vice President and Corporate Counsel